

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:08-HC-2034-MU

UNITED STATES OF AMERICA, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 ROBERT SEGER, )  
 )  
 Respondent. )

FILED IN OPEN COURT  
ON 1-23-13 KM  
Julie A. Richards, Clerk  
US District Court  
Eastern District of NC


The United States (“petitioner”) seeks to civilly commit Robert Seger (“Seger” or “respondent”) as a “sexually dangerous person” under the Adam Walsh Child Protection and Safety Act of 2006 (“Adam Walsh Act”), codified at 18 U.S.C. §§ 4247-4248. Pursuant to the Adam Walsh Act, after a hearing, if the court finds by clear and convincing evidence that a person is a “sexually dangerous person,” the court must commit the person to the custody of the Attorney General. Id. § 4248(d). A “sexually dangerous person” is one “who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others . . . .” Id. § 4247(a)(5). A person is considered “sexually dangerous to others” if “the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in restraining from sexually violent conduct or child molestation if released.” Id. § 4247(a)(6).

To obtain a commitment order against Seger, the government must establish three facts by clear and convincing evidence: that Seger (1) “has engaged or attempted to engage in . . . child molestation,” id. § 4247(a)(5); (2) currently “suffers from a serious mental illness, abnormality, or disorder”; and (3) as a result of the serious mental illness, abnormality, or

disorder, “would have serious difficulty in refraining from . . . child molestation if released,” id. § 4247(a)(6). See United States v. Hall, No. 11-7102, 2012 WL 34481, at \*4 (4<sup>th</sup> Cir. Jan. 9, 2012); United States v. Comstock, 627 F.3d 513, 515-16 (4<sup>th</sup> Cir. 2010), cert. denied, 131 S.Ct. 3026 (2011).

On January 22, 2013, the court held a bench trial. On January 23, 2013, the court announced its findings and conclusions from the bench. The transcript is incorporated herein by reference. The United States has failed to prove by clear and convincing evidence, that, as a result of Seger’s serious mental illness, abnormality, or disorder, he would have serious difficulty in refraining from violent conduct or child molestation if released. Thus, judgment shall be entered in favor of the respondent, Robert Seger, and against the petitioner, the United States. This action is hereby DISMISSED. The United States is ORDERED to release Seger from the custody of the Bureau of Prisons.

SO ORDERED, this 23<sup>rd</sup> day of January, 2013.

  
GRAHAM C. MULLEN  
Senior U.S. District Judge